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Application Number	10/016,289
Filing Date	October 31, 2001
First Named Inventor	Darling
Art Unit	3621
Examiner Name	Daniel L. Greene
Attorney Docket Number	G08.058

ENCLOSURES (Check all that apply)

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Firm or Individual name	Nathaniel Levin
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Date	September 9, 2004

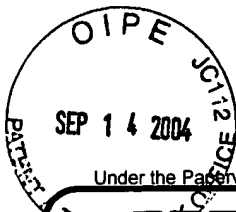
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

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Complete if Known

Application Number	10/016,289
Filing Date	October 31, 2001
First Named Inventor	Darling
Examiner Name	Daniel L. Greene
Art Unit	3621
Attorney Docket No.	G08.058

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☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

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**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	\$330.00
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

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SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Nathaniel Levin	Registration No. (Attorney/Agent)	34,860	Telephone	203 972-3460
Signature		Date	September 9, 2004		

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Patent

AF#
JFH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: DARLING

Application Serial No.: 10/016,289

Filing Date: October 31, 2001

For: COMPUTERIZED INTERFACE FOR
PROVIDING, EDITING AND
ACCESSING CONTENT

)
)
) Group Art Unit: 3621

)
) Examiner: Daniel L. Greene

)
) **APPEAL BRIEF**

)
) Attorney Docket No.: G08.058

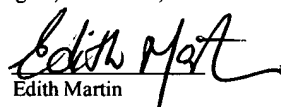
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Dated: September 9, 2004

By:


Edith Martin

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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Sir:

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action mailed March 31, 2004 (the "Final Action"), rejecting claims 16-24.

09/15/2004 MAHMED1 00000022 10016289

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330.00 OP

REAL PARTY IN INTEREST

The present application is assigned to GOLDMAN SACHS & CO., One New York Plaza, New York, New York 10004, U.S.A.

RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known to Appellant, Appellant's legal representative, or assignee, which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 16-24 are pending in the application. All pending claims stand rejected either under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,088,702 (hereinafter "Plantz") or under 35 U.S.C. §103(a) as being unpatentable over Plantz.

STATUS OF AMENDMENTS

There are no Amendments that have not been entered.

SUMMARY OF INVENTION

In certain environments, such as the financial industry, it may be necessary for a large organization to rapidly generate a large number of documents to be disseminated via a number of different outlets, such as websites, e-mail, alert channels that reach recipients who have previously elected to receive information on particular topics, and branded content issued in the name of a recognized authority or resource. (Specification, page 9, lines 1-10; page 2, lines 10-16) The documents may be created by any one of a number of different people in the organization, and may need to receive one or more levels of editing and review before being released. (Specification, page 4, lines 6-12; page 2, line 22 to page 3, line 3)

The present invention is concerned with a networked computer system which streamlines document creation and automates routing of documents for review within the system. (FIG. 5; specification page 12, line 22 to page 13, line 2; page 4, line 12 to page 5, line 8) Content creators (authors of documents) are allowed to log into the system and are allowed to select a template that is specific to a particular type of document to be created by the content creator. (Specification, page 15, lines 10-17) The content creator creates a draft by using the template. (Specification, page 16, lines 4-5; page 17, lines 15-16) At least one reviewer or editor for the draft is selected, at least partly on the basis of the template used by the content creator. The draft created by the content creator is then transmitted within the system to the selected reviewer or editor. (Specification, page 17, lines 16-20; page 18, line 22 to page 19, line 5; FIGS. 6 and 8) Tags may be applied to drafts to further control routing and tracking of the drafts. (Specification, page 16, lines 5-8 and 12-16)

Thus, with the reviewer or editor being determined on the basis of the template used to create the document, rules for review of the document are automatically enforced, and routing of the document for review occurs with a minimum of action on the part of the content creator.

ISSUES

Whether claims 16-24 are novel or patentable over Plantz.

GROUPING OF CLAIMS

Appellant groups the pending claims as follows:

Group I – claims 16, 19;

Group II – claims 17, 18;

Group III – claim 20;

Group IV – claims 21-24.

The claims in each group should stand or fall together. In addition, the claims in Groups II and III, being dependent on claim 16 of Group I, are to be held allowable for the reasons set forth below in connection with Group I. But even if the claims of Group I were not found to be

allowable, appellant believes that there are separate grounds for allowability for the claims listed in Groups II and III.

ARGUMENT

In formulating the rejections now on appeal, the Examiner has relied entirely on the teachings of the Plantz reference. As will be explained, it is appellant's position that each of the claims recites features that simply are not present in, nor are suggested by, Plantz. For the most part, it is believed that the Examiner's errors in rejecting the claims arise from misinterpreting the reference and/or reading into the reference teachings that just are not disclosed therein. In particular, the Examiner has in many instances cited specific passages of Plantz that do not say what the Examiner seems to believe they say. Also, in certain cases it appears to appellant that the Examiner has failed to take into consideration limitations that are present in the claims. The Examiner's errors will be pointed out in detail below, but appellant will first, by way of background, briefly describe the subject matter of the Plantz reference.

I. General Description of Plantz reference

Plantz describes a computer-based system which allows the efforts of a number of different contributing authors to be efficiently combined into a single document which encompasses a plurality of different topics. (Column 7, lines 12-16; column 8, lines 37-39; column 8, line 52 to column 9, line 2) Authors and editors may be assigned to topics by a system administrator. (Column 11, lines 11-13, 29-31 and 37-39) There is no description in Plantz of any manner of assigning editors to topics other than by manual input from the administrators.

Portions of the document may be reviewed and approved by various experts and editors (column 9, lines 58-63; column 10, lines 50-56), but the reference does not disclose how experts are assigned to review sections of the document. The specific type of document illustrated as an example in the reference is a medical text covering various medical conditions as separate topics. (FIGS. 7 and 10; Column 9, lines 58-67) The reference does not disclose allowing an author to

select from among a number of formats or templates for creation of the author's contribution to the document.

II. The Claims of Group I are Allowable Over the Plantz Reference

Claims 16 and 19 were rejected as anticipated by the Plantz reference.

Claim 16 is taken as representative of the claims of this Group.

Claim 16 is directed to a method that includes allowing a content creator to log into a system, and providing a content type specific template to the content creator. The content type specific template is associated with a particular content type of a plurality of content types supported by the system. The method further includes allowing the content creator to create a draft by using the content type specific template. Perhaps most significantly, the method also includes "selecting at least one of a reviewer and an editor from among a plurality of reviewers and editors accessible via the system", and the selecting is "based at least in part on the content type specific template". Finally, the method also includes "transmitting the draft to the selected at least one of a reviewer and an editor".

According to the Manual of Patent Examining Procedure (MPEP), "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631; 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) Appellant contends that the Plantz reference lacks at least the claim element of selecting at least one of a reviewer and an editor "based at least in part on [a] content type specific template". It follows that claim 16 is not anticipated by the Plantz reference and that the Examiner's rejection of claim 16 should be reversed.

Plantz refers to assigning editors to topics by an administrator (Column 11, lines 11-13, 37-39), but does not expressly state the mechanics of how the assignment of an editor to a topic is accomplished. At most, Plantz implicitly suggests that the assignment is accomplished based

on manual input by the administrator. Plantz does not disclose or suggest selecting a reviewer or an editor for a topic based at least in part on a content type specific template.

Appellant will next discuss the portions of Plantz cited by the Examiner as allegedly teaching this element of claim 16.

In his formal statement of the rejection of claim 16, the Examiner cited a passage at Column 9, lines 50-65 of Plantz in support of his assertion that selecting a reviewer or an editor based at least in part on a content type specific template is disclosed in Plantz. For convenience of reference this passage of the reference (which actually begins at line 49 and ends at line 66) is now set forth verbatim below:

...an option to “Spell Check” the selected section 169, selection of which opens the entire document for spell checking according to known algorithms; a selection 170 permitting the author to enter personal information such as their name, address, telephone number and similar data; 171 is a display of the date and time when the document was last modified; 172 displays the date on which the document was finally completed; 173, 174, 175, 176 are displays of the completion date of assigned aspects of the editing tasks associated with the document completion (for example, for a medically related document, these sections might include editorial signoffs by medical, pharmaceutical, grammatical and other experts, as well as signoff, for example, by an executive editor; editorial titles, naturally, vary with the project); 177 provides a link to one or more particularly desirable databases or search engines (for example, for a medically related document, having a live link to a Medline Search engine at this point is preferred;...

In general, this passage is a description of features of the “publishing/editing control form 160” (Column 9, line 37) display screen shown in FIG. 8 of the reference. This display screen has nothing to do with selecting an editor or reviewer for a document, and neither does the passage quoted above and relied upon by the Examiner. The most nearly relevant portion of this passage refers to “assigned aspects of editing tasks”. Of course implicitly this passage suggests that editors are assigned to editing tasks, but this passage does not teach or suggest how editors or tasks are assigned. Most importantly, this passage does not in any way teach or suggest the specific element of claim 16 relating to selecting an editor based at least in part on content type

specific templates. Indeed, the passage does not even in any way refer to document templates or any similar concept.

Thus, the rejection of claim 16 is clearly not well founded to the extent that it is based on supposed disclosure in this passage of the element of claim 16 that is highlighted above.

In the section of the Final Action headed “Response to Arguments”, the Examiner shifts his ground somewhat by referring to additional portions of the reference, although he does not formally cite those portions in his formulation of the rejection of claim 16. First, the Examiner quotes the following passage, “...facilitates editor assignment by invoking a display of all topics, as well as the names of all the editors assigned to that topic...”. This passage appears at Column 11, lines 37-39¹, and is part of a description of the “Administrative Control Center” (Column 11, line 2) display screen shown in FIG. 12. More specifically, this passage describes the functions of the “Editor Assignment” button 317 shown in FIG. 12.

Undoubtedly this passage and the related portion of FIG. 12 teaches assignment of editors to topics in a document creation system, and appellant believes it can fairly be inferred that the assignment is accomplished by manual entry of data and/or selection of alternatives by the administrator. However, it is equally clear that this passage and the related material in the drawing do not extend to teaching the claim element of selecting an editor based at least in part on a content type specific template. Again, the passage does not even in any way refer to a template or any related concept.

Thus this passage too fails to provide a foundation for the Examiner’s rejection of claim 16.

Finally on this topic, and most obscurely, the Examiner refers in the “Response to Arguments” portion of the Final Action to an item “110 Selected Project” which appears in FIG. 1 of the reference and which is discussed at Column 8, lines 40-51. As best as can be determined from the Examiner’s rather disjointed discussion on this point, it appears that he is attempting to

¹ Mis-cited by the Examiner as “Col. 12.”

rely on the subitem “115 Document Format” shown in FIG. 1 and discussed at Column 8, lines 47-49. However, this subitem has nothing to do with the claimed “content type specific template”, but rather allows the user of Plantz’s system to select a format (either the entire document or an extract) in which a document is to be retrieved. Once more, the reference portion relied upon by the Examiner fails to support his position, and fails to disclose the claim element in question. In fact, the entire purpose of the display window 110 is to allow the user to retrieve a desired document by selection from a topic list or by keyword search. This has nothing to do with selection of an editor or reviewer to receive a draft for review.

In conclusion with respect to claim 16, the Examiner has completely failed to demonstrate that the claim element of selecting a reviewer or editor based at least in part on a content type specific template is in any way present in or suggested by the Plantz reference. The reference fails to satisfy the “every element” standard set forth above, and thus does not anticipate claim 16. The rejection of the claims of Group I should therefore be reversed.

III. The Claims of Group II are Allowable Over the Plantz Reference

Claim 17 was rejected as anticipated by Plantz and claim 18 was rejected as unpatentable over Plantz.

Both of these claims depend from claim 16 and are believed allowable because claim 16 is allowable for the reasons stated above. However, even if claim 16 were not held to be allowable, there are independent grounds for holding the claims of this Group to be allowable, as set forth below.

Claim 17 is taken as representative of Group II.

Claim 17 adds to the method of claim 16 the further limitation of “allowing the content creator to select the content type specific template from among a plurality of content type specific templates supported by the system”.

In the section of the Final Action which deals with claim 17, the Examiner simply cited a passage in Plantz at Column 9, lines 1-15. Yet again, the cited portion of the reference fails to support the Examiner's reliance thereon. For convenience of reference, this passage is now set forth immediately below:²

Alternatively, a display according to subtopic name 134 may be selected, with an [sic] associated e-mail links to the assigned author(s) or editor(s) for the subtopic. In addition, the user may choose to have a display generated of all topics by name for which no author or editor has yet been assigned 135. In addition, to provide a guide of the format of the GPS project data, sample topics of documents are viewable by selection of a "View Sample" 136 option. To assist in visualization of the various aspects of this invention, screen shots of specific embodiments are provided wherein like numbered sections of the represented display are as described in FIGS. 1-4. Thus, in FIG. 5, one embodiment of this level of the GPS is shown. Those skilled in the art will recognize that alternate layouts of the disclosed elements of the GPS are contemplated by this invention.

This passage does not disclose a "plurality of content type specific templates" nor selecting one of such templates. Rather, the passage is concerned with display options provided by Plantz's system to display various types of information, such as topic name, e-mail links to assigned authors or editors, topics for which no author or editor has been assigned, or a sample format. These display options cannot satisfy the claim element, "plurality of content type specific templates", at least because the selected template is specified in parent claim 16 as being used to create a draft. The passage from Plantz reproduced above does not disclose plural templates of which one may be selected to be used to create a draft. This claim element is also not disclosed anywhere else in the reference.

Consequently, Plantz fails to satisfy the "every element" rule both for lack of the plurality of claimed templates and for the reasons stated above in regard to parent claim 16. Plantz does not anticipate claim 17, and the rejection thereof should be reversed by this honorable Board.

² For the sake of completeness, the passage now reproduced from the reference begins at Column 8, line 67.

IV. The Claim of Group III is Allowable Over the Plantz Reference

Claim 20 stands rejected as unpatentable over Plantz.

Claim 20 depends from claim 16 and is believed allowable because claim 16 is allowable for the reasons stated above. However, even if claim 16 were not held to be allowable, there are independent grounds for holding claim 20 to be allowable, as set forth below.³

Claim 20 adds the following limitations to the method of claim 16:

applying a tag to the draft;

wherein the selecting the at least one of a reviewer and an editor is based at least in part on the tag applied to the draft.

The Examiner's discussion of claim 20 appears at page 6 of the Final Action. However, the rejection stated therein fails to meet even the minimal formal requirements of the MPEP.

MPEP § 706.02(j) states, in pertinent part:

After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:

...

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

After initially acknowledging that Plantz fails to disclose the claim element of "the selecting the at least one of a reviewer and an editor is based at least in part on the tag applied to

³ As will be understood from the discussion below of Group IV, claim 20 should be held allowable if the claims of Group IV are held allowable.

the draft”, the Examiner omits any further discussion of this element. Nowhere does the Final Action set forth either a proposed modification of Plantz’s system to include this element, nor any explanation why one of ordinary skill in the art would be motivated to make such a modification. The closest the Examiner came to making such an explanation is the following paragraph:⁴

It would have been obvious to one having ordinary skill in the art at the time the invention was made to call the links as describe [sic] by Plantz, tags, since both serve the same purpose and function.

It is evident that this attempt at explanation completely fails to discuss the subject of selecting a reviewer or editor for a draft based on a tag applied to the draft. In effect, the Examiner has failed to even consider one of the elements recited in claim 20. Appellant believes that this flaw in the rejection requires that the rejection of claim 20 be reversed.

Even viewed from a broader perspective, the rejection of claim 20 is not supported by the reference. As noted above, Plantz generally refers to assigning editors to topics, but suggests no more than manual input by an administrator as a technique for accomplishing such assignments. Thus the reference fails to teach or suggest that a reviewer or editor of a draft be selected based at least in part on a tag applied to the draft.⁵

For the foregoing reasons, it is believed that claim 20 is allowable over Plantz and that the rejection of claim 20 should be reversed.

⁴ Reproduced from page 6 of the Final Action.

⁵ To avoid beating a dead horse, appellant will not belabor the flaws in the Examiner’s discussion of “tagging” in the Final Action, except to note the following: Remarkably, the Examiner refers to “project numbers” 102, 103, 104 (see FIG. 1 and Column 8 lines 20-22) as “tags” even though 102, 103 and 104 are in fact reference numerals that are a formal part of the presentation of the Plantz patent rather than components of the system described in the patent.

V. *The Claims of Group IV are Allowable Over the Plantz Reference*

Claims 21-24 were rejected as unpatentable over the Plantz reference.

Claim 21 is taken as representative of the claims of this Group.

Claim 21 is directed to a method which includes allowing a content creator to log into a system, allowing the content creator to create a draft in the system, and applying the tag to the draft. The method also includes selecting at least one of a reviewer and an editor from among a plurality of reviewers and editors accessible via the system. The selecting is “based at least in part on the tag applied to the draft”. The method further includes transmitting the draft to the selected at least one of a reviewer and an editor.

It will be noted that claim 21 shares with claim 20 the claim elements of applying a tag to a draft and selecting a reviewer or editor for the draft based at least in part on the tag. Not surprisingly, the Examiner’s discussion of claim 21 in the Final Action repeats verbatim his treatment of claim 20. As such, the rejection of claim 21 inherits the same flaws that were described hereinabove in connection with the argument in support of Group III. To recap, the Examiner in effect failed to give consideration to the claim element of selecting an editor and reviewer based at least in part on a tag applied to a draft. More generally, the Plantz reference fails to disclose specific techniques for selecting editors beyond possibly suggesting manual input from an administrator. Thus the reference fails to teach or suggest the claim element of selecting an editor or reviewer based at least in part on a tag applied to a draft.

In short, it is believed that claim 21 is allowable for reasons set forth in more detail in connection with claim 20, and that the rejection of claim 21 should be reversed.

CONCLUSION

The rejections of claims 16-24 are improper at least because the sole reference applied thereto fails to teach or suggest elements of the claims. Therefore, Appellants respectfully request that the Examiner's rejections be reversed.

As required by 37 CFR §1.192(a), this Brief is filed within two months from the date of receipt of Appellant's Notice of Appeal (*i.e.*, within two months of July 27, 2004); as such, no extension of time is believed due. However, if any additional fees are due in conjunction with this matter, the Commissioner is hereby authorized to charge them to Deposit Account 50-1852. An Appendix of claims involved in this appeal is attached hereto.

If any issues remain, or if the Examiner or the Board has any further suggestions for expediting allowance of the present application, kindly contact the undersigned using the information provided below.

Respectfully submitted,



Nathaniel Levin
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September 9, 2004
Date

Attachment: Appendix of claims

APPENDIX

16. A method comprising:

- allowing a content creator to log into a system;
- providing a content type specific template to the content creator, the content type specific template being associated with a particular content type of a plurality of content types supported by the system;
- allowing the content creator to create a draft by using the content type specific template;
- selecting at least one of a reviewer and an editor from among a plurality of reviewers and editors accessible via the system, the selecting based at least in part on the content type specific template; and
- transmitting the draft to the selected at least one of a reviewer and an editor.

17. A method according to claim 16, further comprising:

- allowing the content creator to select the content type specific template from among a plurality of content type specific templates supported by the system.

18. A method according to claim 17, wherein the plurality of content type specific templates includes a first template suitable for creating a website document, a second template suitable for creating an e-mail, a third template suitable for creating an alert, and a fourth template suitable for creating branded content.

19. A method according to claim 16, further comprising:

allowing the selected at least one of a reviewer and an editor to review the transmitted draft.

20. A method according to claim 16, further comprising:

applying a tag to the draft;

wherein the selecting the at least one of a reviewer and an editor is based at least in part on the tag applied to the draft.

21. A method comprising:

allowing a content creator to log into a system;

allowing the content creator to create a draft in the system;

applying a tag to the draft;

selecting at least one of a reviewer and an editor from among a plurality of reviewers and editors accessible via the system, the selecting based at least in part on the tag applied to the draft; and

transmitting the draft to the selected at least one of a reviewer and an editor.

22. A method according to claim 21, wherein the system automatically applies the tag to the draft.

23. A method according to claim 21, wherein the content creator applies the tag to the draft.

24. A method according to claim 21, further comprising:

allowing the selected at least one of a reviewer and an editor to review the transmitted draft.